

**Minutes of the**  
**City Commission for the City of Traverse City**  
**Regular Meeting**  
**May 19, 2014**



A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were present, constituting a quorum: Mayor Michael Estes, Mayor Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary L. Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

**2. Consent Calendar**

Moved by Carruthers, seconded by Werner, that the following actions as recommended on the Consent Calendar portion of the Agenda be approved:

- a. the minutes of the May 5, 2014, Regular Meeting, the May 12, 2014, Special Meeting, and the May 12, 2014, Study Session, be approved.
- b. the City Manager be authorized to issue a confirming purchase/service order in the amount of \$28,297.50 to Lemmen Oil Company for 10,000 gallons of unleaded gasoline priced at \$2.82978 per gallon with funds available in the Garage Fund.
- c. the Proposed Fiscal Year 2014/2015 Budget for the City of Traverse City and Charter Township of Garfield Recreational Authority, be approved as required by Recreational Authority Bylaws.

- d. the City Commission action of March 17, 2014, authorizing an agreement with the City Opera House Heritage Association to provide funds for the Opera House Dressing Room Project be rescinded and that the action authorizing the related budget amendment be rescinded; and that the Mayor and City Clerk execute an agreement with City Opera House Heritage Association for it to provide up to \$114,500 in funds to cover all costs associated with the Opera House Dressing Room Project, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney; and that the Opera House Fund Budget be amended by \$114,500 to reflect the receipt and expenditure of such funds; and further that the City Commission action of March 17, 2014, authorizing an agreement with Architecture Technology, P.C. for design, permitting, bidding and construction administration services in connection with the City Opera House Dressing Room Project be rescinded; and finally that the competitive bidding process be waived and the Mayor and City Clerk execute a consultant agreement with Quinn Evans Architects in the amount of \$15,500 for design, permitting, bidding and construction administration services in connection with the City Opera House Dressing Room Project, subject to receipt of funds by the City Opera House Heritage Association, with funds available in the Opera House Fund.
- e. the City Manager be authorized to issue a purchase order to Truck and Trailer Specialties of Boyne Falls, in the amount of \$107,208 for the purchase and installation of the required parts and equipment needed on the three (3) 2014 Ford F350 Truck Cab and Chassis and two (2) 2014 Ford F550 Truck Cab and Chassis as outlined in the May 12, 2014, communication from the Director of Public Services, with funds available in the Garage Fund.
- f. the Resolution Approving a Request from Georgina's, LLC (Gregory Anthony Craig) for a Redevelopment Project Area Liquor License with Class C Liquor License privileges to be operated at 236 East Front Street, be adopted and that the City Clerk be authorized to issue a Liquor License Registration to Georgina's, LLC to operate such license at 236 East Front Street.
- g. an amendment to the Traverse City Code of Ordinances, *Size and Area Requirements Building Height Ordinance Amendment*; Section 1368.01,

Building Height; *Hotel Resort (HR) Building Height Ordinance Amendment*, Section 1338.06, Building Height, and Section 1338.09, Special Requirements; *Office Service (C1) District Residential Bonus Building Height Amendment*, Section 1340.06, Building Height, and Section 1340.09, Special Requirements; *Community Center (C-3), Regional Center (C-4) and Development (D) Districts First Floor 15-Foot Requirement*, Community Center (C-3) Section 1344.09, Special Requirements; Regional Center (C-4) Section 1346.09, Special Requirements; and Development (D) Districts Section 1347.09, Special Requirements of the Zoning Code; *Neighborhood Center (C-2) District Residential Bonus Building Height Amendment*, Section 1342.06, Building Height, and Section 1342.09, Special Requirements; regarding increasing the building height in HR to 45-feet, increasing the residential bonus height in C-1 and C-2 to 45-feet and requiring a minimum 15-foot first floor height in HR, C-1, C-2, C-3, C-4 and D Districts, as recommended by the Planning Commission, be introduced and scheduled for possible enactment on June 2, 2014.

- h. the Mayor and City Clerk execute a unit prices contract with Northwest Michigan Contracting in the amount of \$176,695.10, at the unit prices indicated in its bid, for Phase 2 of the 2014 Alley Sanitary Sewer Replacement Project, with funds available in the Sanitary Sewer Fund, such contract subject to approval as to its substance by the City Manager and its form by the City Attorney.
- i. the competitive bidding process be waived; and that the Mayor and City Clerk execute a service agreement with Otwell Mawby in the amount of \$9,800 for geotechnical and environmental consulting services in connection with the Parking Lot D and Boardman River Launch Improvement Project, with funds available in the Capital Improvements Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

CARRIED unanimously.

**Items removed from the Consent Calendar**

None.

**3. Old Business****3(a).**

Consideration of a report from the City Commission Ad Hoc Committee regarding a possible Brown Bridge Trust Fund ballot proposal and scheduling the proposal for the November 4, 2014, election ballot.

Moved by Budros, seconded by Carruthers, that the Resolution to Amend Section 129 of the City Charter of Traverse City, regarding a proposal to use principal in the Brown Bridge Trust Fund in excess of \$12 million for a five-year period, only if matching funds from non-city sources are obtained, following approval of the electorate, be adopted, which schedules the related ballot proposal for the November 4, 2014, election.

Jered Ottenwess, City Manager

Lauren Tribble-Laucht, City Attorney

Deni Scrudato, 422 East State Street, Brown Bridge Advisory Committee – expressed support

Rick Buckhalter, 932 Kelley Street – expressed support and opposition

Brian Haas, 227 East 10<sup>th</sup> Street – made general comments

Roll Call:

Yes - Budros, Easterday, Richardson, Werner, Carruthers, Estes.

No - Howe.

CARRIED.

**3(b).**

Consideration of various actions in connection with the Fiscal Year 2014/2015 Budgets, including the City of Traverse City, Traverse City Light and Power and the Downtown Development Authority:

Mayor Michael Estes opened the floor for public comment on all items in connection with Old Business 3(b), and the following addressed the Commission:

Emily Mitchell, 3716 Jefferson, Garfield Township, Hickory Meadows Advisory Committee – expressed opposition to Agenda Item 3(b)(8)

Jennifer Jaffe, 1747 Wayne Street – made general comments

Eileen Ganter, 1615 Randolph Street, Garfield Township, city business owner – made general comments

Kira Ganter, 1615 Randolph Street, Garfield Township – made general comments

Nicolle Girard, 2973 Concord Street, Garfield Township, Hickory Meadows Advisory Committee – made general comments

Sandy Cartwright, 602 North Elmwood – expressed opposition to Agenda Item 3(b)(8)

Carl Ganter, 1615 Randolph Street, Garfield Township – made general comments

Rick Buckhalter, 932 Kelley Street – made general comments

Rick Venner, 1660 Wayne Street – expressed opposition to Agenda Item 3(b)(8)

Jamie Al-Shamma, 131 North Elmwood Avenue – made general comments

Willow Al-Shamma, 131 North Elmwood Avenue – expressed opposition to Agenda Item 3(b)(8)

Suzannah Tobin, 502 Fifth Street – made general comments

Barbara Solomonson, 119 North Madison Street – made general comments

Jan Doren, 119 North Madison Street – made general comments

Bob Beurle, 1827 Wayne Street – made general comments

Marci Cook Fine, 1307 Wayne Street - expressed opposition to Agenda Item 3(b)(8)

Steve Nance, 1701 Wayne Street – made general comments

Mike Gaines, 425 North Madison Street, city business owner – made general comments

Patty Olson, 1815 Wayne Street - expressed opposition to Agenda Item 3(b)(8)

Ann Couturier, 670 Old Incochee Trail - made general comments

Kima Kramer, 1120 West Front Street – made general comments

Doug McWaters, 431 North Cedar Street – made general comments

# 1.

Consideration of adopting a Resolution Waiving the Property Tax

Administration Fee for Fiscal Year 2014-2015.

Moved by Easterday, seconded by Budros, that the Resolution to Waive the Traverse City Property Tax Administration Fee for Fiscal Year 2014-2015, be adopted.

The following addressed the Commission:

Jered Ottenwess, City Manager

CARRIED unanimously.

**2.**

Consideration of adopting a Resolution Certifying the Tax Levy for the Downtown Development Authority for Fiscal Year 2014-2015.

Moved by Howe, seconded by Easterday, that the Resolution Certifying the Tax Levy for the Downtown Development Authority for Fiscal Year 2014-2015, be adopted.

CARRIED unanimously.

**3.**

Consideration of adopting a Resolution Adopting the Downtown Development Authority Budget for Fiscal Year 2014-2015.

Moved by Howe, seconded by Richardson, that the Resolution Adopting the Downtown Development Authority Budget for Fiscal Year 2014-2015, be adopted.

CARRIED unanimously.

**4.**

Consideration of adopting a Resolution Certifying the Tax Levy for the City of Traverse City for Fiscal Year 2014-2015.

Moved by Richardson, seconded by Budros, that the Resolution Certifying Tax Levy for The City of Traverse City for Fiscal Year 2014-2015, be adopted.

CARRIED unanimously.

**5.**

Consideration of adopting a Resolution Certifying the Tax Levy for Act 345 Police and Fire Pension System for Fiscal Year 2014-2015.

Moved by Carruthers, seconded by Werner, that the Resolution Certifying Tax Levy for Act 345 Police and Fire Pension System for Fiscal Year 2014-2015, be adopted.

CARRIED unanimously.

**6.**

Consideration of adopting a Resolution Establishing Water and Sewer Rates and Water and Sewer Charges for Services.

Moved by Easterday, seconded by Budros, that the Resolution Establishing Water Rates, Water Service Charges and Sewer Rates be adopted, with the rates to be effective July 1, 2014.

CARRIED unanimously.

**7.**

Consideration of adopting a Resolution Approving the Traverse City Comprehensive Budget for Fiscal Year 2014-2015, including the Capital improvements Plan.

Moved by Budros, seconded by Easterday, that the Resolution Adopting The City of Traverse City Fiscal Year 2014-2015 Comprehensive Annual Budget Report, including the City's Capital Improvements Plan, be adopted.

Moved by Howe that the motion to adopt the Resolution Adopting the City

of Traverse City Fiscal Year 2014-2015 Comprehensive Annual Budget Report, including the City's Capital Improvement Plan, be amended to provide the creation of a capital fund for city parkland in an amount no less than \$300,000 with the funds for such capital fund to come from the General Fund and/or Economic Development Fund.

There being no second, the motion to amend the resolution did not come before the Commission; and Mayor Michael Estes announced the motion on the floor, which remained as the original motion made, which is as follows: "Moved by Budros, seconded by Easterday, that the Resolution Adopting The City of Traverse City Fiscal Year 2014-2015 Comprehensive Annual Budget Report, including the Capital Improvements Plan, be adopted."

CARRIED unanimously.

**8(a).**

Consideration of adopting a Resolution Approving the Traverse City Light and Power Budget for Fiscal Year 2014-2015.

Moved by Richardson, seconded by Budros, that the Resolution Adopting the Traverse City Light and Power Budget for Fiscal Year 2014-2015, be adopted.

The following addressed the Commission:

Jered Ottenwess, City Manager  
Lauren Tribble-Laucht, City Attorney

CARRIED unanimously.

**8(b).**

Consideration of adopting a Resolution Approving the Traverse City Light and Power Capital Improvement Plan for Fiscal Year 2014-2015.

The following addressed the Commission:

Tim Arends, Traverse City Light and Power Executive Director



Lauren Tribble-Laucht, City Attorney

Moved by Carruthers, seconded by Richardson, that the Resolution Approving the Traverse City Light and Power Capital Improvement Plan, with removal of Traverse City Light and Power Capital Improvement Plan Project Line Item 820.

Roll Call:

Yes - Howe, Richardson, Carruthers.

No - Budros, Easterday, Werner, Estes.

FAILED.

Moved by Easterday, seconded by Budros, that the resolution approving the Traverse City Light and Power Capital Improvement Plan be adopted.

Roll Call:

Yes - Budros, Easterday, Howe, Richardson, Werner, Estes.

No - Carruthers.

CARRIED.

There being no objection, Mayor Michael Estes declared a recess.

#### **4. New Business**

##### **4(a).**

Consideration of a request from the City Opera House Heritage Association to attach a marquee to the City Opera House and authorizing the related agreement for the City Opera House Heritage Association to provide funds, subject to approval of the marquee by the Historic Districts Commission.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Budros, that that City staff be directed to prepare an encroachment application and to forward the proposed project to the Historic District Commission for its review.

Thomas Darga, 7534 East Sierra, Bingham Township - City Opera House Heritage – made general comments  
Seamus Shinnors, 410 Seventh Street – made general comments

CARRIED unanimously.

## **5. Appointments**

### **5(a).**

Consideration of re-establishing the City Commission Ad Hoc Committee for Water Bottle Filling Stations.

The following addressed the Commission:

Benjamin Marentette, City Clerk

Moved by Easterday, seconded by Budros, that a City Commission Water Bottle Filling Station Ad Hoc Committee be reestablished (originally established May 20, 2013, and re-established on November 18, 2013) to make recommendation regarding future water bottle filling stations; and that Commissioners Easterday, Carruthers and Mayor Estes, be reappointed to such committee, with Commissioner Easterday to serve as Chair, with the committee set to expire November 18, 2014.

CARRIED unanimously.

### **5(b).**

Consideration of re-establishing the City Commission Ad Hoc Committee regarding the Parks and Public Land Use Policy and Noise Regulations to make a

recommendation regarding noise regulations for events held on city property.

Moved by Richardson, seconded by Budros, that a City Commission Parks and Public Land Use Policy and Noise Ad Hoc Committee be re-established (originally established on November 18, 2013), to make recommendation regarding noise regulations; and that Commissioners Budros, Howe and Richardson, be reappointed to such committee, with Commissioner Richardson to serve as Chair, with the committee set to expire November 18, 2014.

CARRIED unanimously.

## **6. Reports and Communications**

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
  1. Report from the Mayor serving on the Downtown Development Authority.
  2. Report from Commissioners serving on the Light and Power Board.
  3. Report from the Mayor and Commissioner serving on the Planning Commission.
  4. Capital Improvement Program Quarterly Project Update dated May 1, 2014, from the City Planning Director and City Engineer.
  5. Quarterly Financial Report from the City Treasurer/Finance Director for the second quarter which ended December 31, 2013.

6. Report from Commissioners serving on other boards.
  7. Minutes of the Traverse City Light and Power Board Meeting of April 8, 2014.
  8. Minutes of the Act 345 Retirement System Board Meeting of February 26, 2014.
  9. Minutes of the Board of Zoning Appeals meeting of April 8, 2014.
- e. Reports and correspondence from non-City officials.
1. Monthly Operations Report for the Wastewater Treatment Plant from CH2M HILL for April 2014.
  2. Fractile Emergency Response Report from North Flight for April 2014.

## **7. Public Comment**

The following addressed the Commission:

1. Reserved.  
  
None.
2. General.  
  
Rick Buckhalter, 932 Kelley Street  
John DiGiacamo, 440 North Spruce Street
3. Mayor and City Commissioners.  
  
Commissioner Gary Howe  
Mayor Pro Tem James Carruthers  
Commissioner Jeanine Easterday  
Commissioner Barbara Budros  
Mayor Michael Estes

There being no objection, Mayor Michael Estes declared the meeting adjourned at 9:35 pm.

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Benjamin C. Marentette, CMC  
City Clerk

Approved: \_\_\_\_\_, \_\_\_\_\_  
(Date) (Initials)